

**BOARD OF APPEALS CASE NO. 5298**

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**BEFORE THE**

**APPLICANT: James O. Tillis, Jr.**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition  
within the required front yard setback;  
1204 Schucks Road, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 10/16/02 & 10/23/02**

**Record: 10/18/02 & 10/25/02**

**HEARING DATE: November 25, 2002**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, James O. Tillis, Jr., is requesting a variance, pursuant to Section 267-34C, Table II, of the Harford County Code, to construct an addition within the required 50 foot front yard setback (48 feet proposed) in an AG/Agricultural District.

The subject parcel is located at 1204 Schucks Road, Bel Air, Maryland 21015 and is more particularly identified on Tax map 50, Grid 2B, Parcel 242, Lot 1. The parcel consists of 2 acres, is zoned AG/Agricultural and is entirely within the Third Election District.

The Applicant, Mr. James Tillis, Jr., appeared and testified that he intends to build an addition to his home that will be 20 feet by 28 feet in dimension. After construction, the encroachment will be 2 feet into the 50-foot minimum setback required by the Code. The Applicant testified that the addition will be a single story addition to his existing 1800 square foot home and will be used as a bedroom, closet and sewing room/personal use office. The witness indicated that his house sits at an angle to Schucks Road. To the rear is located a septic area and to the south is a 3 car garage. The proposed location is the only available location for the proposed addition. The witness pointed out that only one corner of the addition encroaches into the setback, an area of approximate dimensions of 2 feet by 4 feet. Mr. Tillis stated that a 30-foot right of way was added to the final plat after the house was constructed prior to 1981. This created the 50-foot setback requirement.

## **Case No. 5298 – James O. Tillis, Jr..**

Mr. Anthony McClune appeared as representative of the Department of Planning and Zoning. The Department recommends approval of the request finding the variance minor in nature and resulting in negligible impact. McClune testified that the subject property is a unique L-shaped parcel and that the curve in Schucks Road results in a curved setback line that results in a minor impact to an addition constructed on straight lines. McClune felt that the parcel was unique as a result and that this uniqueness more than justified the Applicant's request for the minor encroachment into the setback. McClune also pointed out that there is existing vegetation on this side of the house that will provide screening for the adjacent property owner. In conclusion McClune stated that the proposed addition is consistent with other additions found in the immediate area and that approval of the requested variance would be consistent with good planning and zoning principles having no adverse impact on the intent of the Code.

No persons appeared in opposition to this request.

### **CONCLUSION:**

The Applicant, James O. Tillis, Jr. is requesting a variance, pursuant to Section 267-34C, Table II, of the Harford County Code, to construct an addition within the required 50 foot front yard setback (48 feet proposed) in an AG/Agricultural District.

Harford County Code Section 267-11 permits variances and provides:

The Harford County Code, pursuant to 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

**Case No. 5298 – James O. Tillis, Jr..**

The Hearing Examiner finds that the subject parcel is uniquely configured. It is L-shaped, the house was set at an angle to the property line, Schucks Road is curved where it meets the Applicant's property line resulting in a curved setback line. All of this results in a unique configuration generally justifying the need for a variance. In this case there is no other location for the addition as a result of locations of septic areas and existing structures. The proposed addition is consistent with other additions found in this neighborhood and the Applicant would suffer practical difficulty in constructing a suitable addition without a variance. The addition will not result in adverse impacts to adjoining properties and the Department of Planning and Zoning provided undisputed testimony, accepted by the Hearing Examiner, that approval of this request will not impair the purposes of the Code.

Consequently, the Hearing Examiner recommends approval of the request, subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date \_\_\_\_\_

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William F. Casey  
Zoning Hearing Examiner